In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.25544-M of 2006

…..

Date of decision:30.4.2007

Ved Singh and another

…..Petitioners

v.

State Union Territory, Chandigarh and another

…..Respondents

…..

Present: Mr.Jai Vir Yadav, Advocate for the petitioners.

Mr. Rajiv Sharma, Standing Counsel for Union Territory Administration, Chandigarh.

Mr. Dharam Chand Mittal, Advocate for respondent No.2.

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S.S. Saron, J.

Reply on behalf of respondent No.2 has been filed in Court today. The same is taken on record.

This petition under Section 482 Cr.P.C. has been filed seeking quashing of FIR No.9 dated 10.1.2004 registered at Police Station Mani Majra, Union Territory, Chandigarh for the offences under Sections 406 and 498-A IPC.

The petitioners are the father-in-law and mother-in-law of the complainant Smt. Suman (respondent No.2). The marriage between Arun Kumar, the son of the petitioners and the complainant (respondent No.2)

was solemnized on 28.2.2000 at Sonepat according to Hindu rites and ceremonies. In the course of marriage differences arose between them. The son of the petitioners, namely, Arun Kumar and respondent No.2 remained together as husband and wife upto 31.3.2003. No child has been born out of the wedlock between Arun Kumar and Smt. Suman. In the course of the matrimonial dispute the parties ultimately reached at a settlement and a compromise deed dated 9.2.2007 (Annexure-P.2) has been recorded. In terms of the compromise the petitioners have agreed to pay Rs.1,90,000/- to respondent No.2. A sum of Rs.1 Lac was agreed to be paid at the time of filing the joint petition seeking dissolution of marriage by mutual consent. The balance amount has to be paid at the time of passing the decree for mutual consent. The said amount is in respect of all the claims of respondent No.2 regarding dowry articles, permanent alimony etc. Respondent No.2 is to have no claim against the petitioners or their son in respect of moveable and immovable property. She has also agreed to withdraw the petition under Section 125 Cr.P.C. and to get the present FIR quashed.

In terms of the reply filed by respondent No.2 in Court today the material aspects of the compromise are admitted. It is stated that the disputes between the parties have been amicably settled and a compromise dated 9.2.2007 has been entered into between the parties. Smt. Suman is present in Court and has been identified by her counsel Shri Dharam Chand Mittal. She has stated that she has no objection to the quashing of the FIR.

In view of the compromise having been entered into, learned counsel for the State submits that he would have no objection to the

quashing of the FIR.

The Supreme Court in the case of B.S. Joshi and others v. State of Haryana and another, 2003 (2) RCR (Cr.) 888 has held that in matrimonial dispute inherent powers can be exercised to quash the proceedings to meet the ends of justice. In fact it has been emphasized that the parties to matrimonial dispute should be encouraged to compromise the matter. In the present case the parties have amicably settled their dispute. All the claims inter se stand settled. A sum of Rs.90,000/- is to be paid by the petitioners at the time of passing of the decree for divorce by mutual consent. The parties have stated that the case is fixed before the District Court for 13.8.2007.

Keeping in view the facts and circumstances particularly the fact that the parties have amicably resolved their dispute, no useful purpose would be served in continuing with the proceedings pending trial in the Court of learned Judicial Magistrate Ist Class, Chandigarh which is fixed for 18.8.2007.

Accordingly, the criminal miscellaneous petition is allowed and case FIR No.9 dated 10.1.2004 registered at Police Station Mani Majra, Chandigarh for the offences under Sections 406 and 498-A IPC and all subsequent proceedings accruing there from are quashed. The parties to bear their own costs.

April 30, 2007. **(S.S. Saron)**
Judge

hsp